

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

D.S.; D.Y. by and through his next friend
JULIE KELLOGG-MORTENSEN; H.A.
by and through his next friend KRISTEN
BISHOPP; and DISABILITY RIGHTS
WASHINGTON, a nonprofit membership
organization for the federally mandated
Protection and Advocacy Systems,

Plaintiffs,

v.

WASHINGTON STATE
DEPARTMENT OF CHILDREN,
YOUTH, AND FAMILIES; and ROSS
HUNTER, in his official capacity as
Secretary of the Washington State
Department of Children, Youth, and
Families,

Defendants.

NO. 2:21-cv-00113-BJR

ORDER GRANTING JOINT
MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT

THIS MATTER having come before the Court on the parties' Joint Motion for Final
Approval of Class Settlement Agreement (the "Joint Motion") and having been duly
considered, the Court makes the following findings:

1 The Court has jurisdiction over the claims against all Defendants pursuant to 28 U.S.C. §§
 2 1331, 1343(a). Venue is proper in the Western District of Washington pursuant to 28 U.S.C. §
 3 1391(b).

4 The Court preliminarily approved the parties' proposed Settlement Agreement on June
 5 24, 2022. ECF No. 97. The Court further approved the parties' notice to class members
 6 regarding the proposed settlement, Exhibit B to the Declaration of Susan Kas in Support of
 7 Plaintiffs' Motion for Preliminary Approval, ECF No. 93-2, and the method for distributing the
 8 notice as described in the Notice Plan, attached as Exhibit C to the Declaration of Susan Kas in
 9 Support of Plaintiffs' Motion for Preliminary Approval, ECF No. 93-3. The parties complied
 10 with the Notice Plan in all material respects, meeting the due process requirements of the
 11 United States Constitution and Fed. R. Civ. P. 23(e). ECF Nos. 98-100.

13 Class members had until August 12, 2022 to submit written objections. The Court
 14 conducted a final approval hearing on September 7, 2022, in Seattle, Washington. Counsel for
 15 Plaintiffs and Defendants presented argument as to why the Settlement Agreement is fair,
 16 reasonable, and adequate and should be approved. Class members and others thereby affected
 17 received adequate opportunity to object.

19 The proposed Settlement Agreement, attached as Exhibit A to the Declaration of Susan
 20 Kas in Support of Plaintiffs' Motion for Preliminary Approval, ECF No. 94-1, is fair, reasonable,
 21 and adequate in light of the relief Plaintiffs have obtained in settlement to achieve the goals of the
 22 litigation. Further litigation would expose both sides to risk and expense, given the complexity of
 23 this lawsuit and the likely duration of litigation. The Settlement Agreement is the result of arms'
 24 length negotiations, conducted with the assistance of a skilled neutral mediator and after thorough
 25 factual and legal investigation and discovery, and is not the product of fraud, collusion, or
 26

1 overreaching. No class member or interested party has raised concerns that alter the underlying
2 fairness, reasonableness, and adequacy of the Settlement Agreement.

3 The Court, having fully considered the matter and good cause appearing, hereby ORDERS:

- 4 1. The parties' Joint Motion for Final Approval of Class Action Settlement Agreement
5 is GRANTED. The Court FINDS and CONCLUDES that the settlement is fair,
6 reasonable, and adequate.
7
- 8 2. The parties' Settlement Agreement and Order, attached as Exhibit A to the
9 Declaration of Susan Kas in Support of Plaintiffs' Motion for Preliminary Approval,
10 ECF No. 94-1, is APPROVED and INCORPORATED HEREIN.
- 11 3. The parties to the Settlement Agreement and Order shall perform all of their
12 obligations thereunder. The case is DISMISSED, but the Court shall retain
13 jurisdiction over the matter to enforce the provisions of the Settlement Agreement
14 and Order until Defendants' obligations terminate under paragraph 36 of the
15 Agreement.
16
- 17 4. The Settlement Agreement and Order is binding on class members. It settles all of
18 Plaintiffs' claims for class-wide injunctive relief against Defendants that were
19 asserted in the Complaint filed on January 28, 2021.

20 IT IS SO ORDERED.
21

22 DATED this 9th day of August, 2022.

23 
24

25 BARBARA J. ROTHSTEIN
26 United States District Judge